IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

SA.No. 241 of 1999(D)

OS.249/1989 of M.C.,VADAKKANCHERRY
AS.35/1994 of I ADDL.DISTRICT COURT, THRISSUR
.....

APPELLANT/APPELLANT/DEFENDANT:

PRAKASH, S/O.AMBALAPILLY VASU, THEKKUMKARA VILLAGE,
TALAPPILLY TALUK, REP. BY THE POWER OF ATTORNEY HOLDER,
K.K.PARASURAMAN, AGED 34 YEARS,
S/O.KUPPATHIL AYYAPPAN, THEKKUMKARA VILLAGE,
TALAPPILLY TALUK

BY ADV. SRI.K.P.SREEKUMAR
SRI.S.GOPINATHAN
SRI.V.K.GANGADHARAN

RESPONDENT/RESPONDENT/PLAINTIFF:

VILASINI, S/O.OOLAKKA KRISHNAN, TALASSERY VILLAGE,
TALAPPILLY TALUK

BY ADV.N.P.SAMUEL
ADV.P.V.CHANDRAMOHAN

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 10/09/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.704/99 IN SA 241/99

DISMISSED

10/9/2007

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

PA to Judge.

M.SASIDHARAN NAMBIAR,J.

S.A.NO.241 OF 1999

Dated 10th September 2007

J U D G M E N T

Appeal is filed challenging the preliminary decree whereunder plaint A and B schedule properties were directed to be divided into 4 and 2 shares respectively and to allot one such share to respondent/plaintiff. As per the preliminary decree appellant is entitled to the remaining shares.

2. Appellant filed I.A.2191 of 2006 to record the assignments of the rights of respondent to appellant and I.A.2192 of 2006 application under Rule 27 of Order XLI of Code of Civil Procedure to receive the registered assignment deed No.48 of 2005 of S.R.O, Wadakkancherry whereunder respondent assigned her right under plaint A and B schedule properties in favour of the appellant. Even though it was posted for objection, no objection filed.

3. In view of the assignment deed executed by respondent whereunder her rights in the plaint A and B schedule properties were assigned in favour of

appellant, nothing further survives in the appeal. Hence the fact of assignment of the right of respondent as sought for in I.A.2191 of 2006 is recorded and appeal is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.

==========

M.SASIDHARAN NAMBIAR,J.

JUDGMENT

S.A.NO.241 OF 1999

10th September 2007

==========